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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,172	07/03/2003	Geoffrey D.M. Wilkie	LKMP:112US	9139

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EXAMINER

VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,172

Applicant(s)

WILKIE, GEOFFREY D.M.

Examiner

Ajay Vasudeva

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 18 is/are allowed.
- 6) ☒ Claim(s) 2,3,5-8,11,12,16,17,19-22,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 9,10,13,23,24 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawal of Finality

1. Upon a review of the previously cited prior art references, the examiner noticed at least one reference that read on some claims, previously indicated as allowable. Therefore, the finality of the last Office action is being withdrawn. This action contains a non-final rejection based on new grounds. The examiner regrets the resulting inconvenience caused to the applicant and his representative.

Abstract

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Therefore, the following changes are recommended in the abstract.

- On line 1, before "assembly", insert – **arcuate truss** --.
- On line 2, before "assembly", insert – **arcuate truss** --.
- On line 4, after "to one another.", insert -- **The members of arcuate truss assembly pivot in a plane substantially coplanar with that portion of the hull which is formed by the members.** --

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3, 5, 7, 8, 11, 12, 16, 17, 19, 21, 22, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Straussler (US 2,390,747 A).

Straussler shows an arcuate truss assembly (fig. 2) for varying the dimensions of a vessel hull (fig. 1) having a plurality of members [4, 5, 6] pivotally joined at hinges [7, 8, 9]. The members are operatively arranged to vary the dimensions of the hull when the plurality of members are pivoted with respect to one another by hydraulic or pneumatic actuators (page 2, col. 2, line 8). A flexible membrane [3] covers the assembly in a watertight manner (fig. 4). The members of the truss assembly pivot in a plane coplanar with a portion of the hull (fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Straussler (US 2,390,747 A) in view of JP 07-157977 A ('977).

Straussler shows an arcuate truss assembly having a flexible membrane made of water impervious canvas (p-1, col. 1, line 27).

Straussler, however, is silent on the canvas membrane comprising urethane.

JP ('977) teaches use of urethane to render a canvas membrane fire/flame proof, in addition to making it waterproof.

It would have been obvious for one skilled in the art at the time of the invention to use urethane with the flexible membrane of Straussler, as taught by JP ('977), because making the membrane fire/flame proof as well as waterproof would have increased the operational safety. Further, use of urethane would have been advantageous because it is inexpensive and easily available, resists abrasion, and is well known for its durability.

Allowable Subject Matter

7. Claims 4 and 18 are allowed.
8. Claims 9, 10, 13, 23, 24 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner's Interpretation

9. In view of Applicant's disclosure, Examiner has revised his position regarding the interpretation of limitation "vessel". Contrary to the position adopted previously, the limitation "vessel" is now being interpreted to mean a marine or an aeronautic/space transportation device -- such as a boat/ship; submarine/submersible craft; aircraft/airship; rocket, or spaceship. Applicant is requested to provide arguments if there is any disagreement with such interpretation

Response to Arguments

10. Applicant's arguments with respect to claims 2, 3, 5-8, 11, 12, 16, 17, 19-22, 25 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record in the attached Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ajay Vasudeva
Examiner
Art Unit 3617


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SUPERVISORY PATENT EXAMINER
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